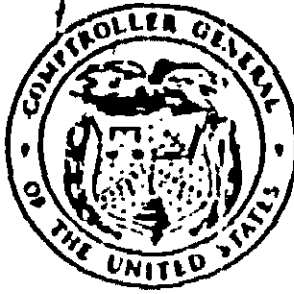


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DECISION

20056
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-203260.2

DATE: November 19, 1981

MATTER OF: Career Consultants, Inc.

DIGEST:

Firm which did not submit an offer is not an "interested party" qualified to protest award. Firm has no direct and substantial interest at stake since there are other offerors eligible for award if the protest is sustained.

Career Consultants, Inc. (CCI) protests the award of a contract to State Security Systems, Inc. (State) under request for proposals (RFP) N62470-81-R-2337 issued by the Department of the Navy for security guard services at the U.S. Naval Station, Roosevelt Roads, Puerto Rico. CCI asserts that State's employees do not possess the industrial security clearance required to perform this contract and therefore State should be found nonresponsive.

The Navy suggests that since CCI did not submit an offer for this contract it is not an "interested party" qualified to raise this protest under our Bid Protest Procedures, 4 C.F.R. § 21.1(a) (1981).

The submission of a proposal is not necessarily required in order for a protester to qualify as an interested party. Whether a party is sufficiently interested depends on its status in relation to the procurement, the nature of the issues raised, and whether these circumstances indicate the existence of a direct and/or substantial economic interest on the part of the protester. Cardion Electronics, 58 Comp. Gen. 591 (1979), 79-1 CPD 406.

The direct and substantial economic interests at stake here are those of the offerors who participated in the procurement and did not receive the award. Assuming that CCI's allegation is true, the unsuccessful offerors were the ones who were harmed and they would have been the appropriate parties to file a protest with our Office. See Cullinane Corporation, B-201132, January 27, 1981, 81-1 CPD 48. Since CCI would not be eligible for award in the event the protest was sustained, we do not consider it to be sufficiently interested under our Procedures for the protest to be considered on the merits.

In any event, GAO does not review affirmative determinations of responsibility unless the protester shows either that procurement officials may have committed fraud or that the solicitation contained definitive responsibility criteria which were not applied. Patterson Pump Company; Allis-Chalmers Corporation, B-200165, B-200165.2, December 31, 1980, 80-2 CPD 453. No fraud has been alleged and our review of the solicitation indicates that the requirement for security clearances is not a definitive responsibility criterion, but a specification requirement with which the contractor would have to comply under certain circumstances.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel